



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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Brooklyn, NY 11201*

March 3, 2017

BY ECF

Honorable Frederick Block
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Jane Doe, Individually and as Parent of Baby Doe v. Merck & Co., Inc., et al.*,
Civ. No. 16-CV-4005 (FB) (RLM) (E.D.N.Y.)

Dear Judge Block:

This Office represents defendants United States of America, United States Health and Human Services ("HHS"), HHS Secretary Thomas Price, and Acting Commissioner of the Food and Drug Administration Steven Ostroff (the "Federal Defendants"). Pursuant to the January 13, 2017 Scheduling Order, this letter is submitted on behalf of all parties to advise the Court of the agreed-upon briefing schedule:

- Defendant Merck & Co., Inc. ("Merck") and the Federal Defendants shall serve their respective motions pursuant to Rule 12 or, in the alternative, Rule 56, by May 3, 2017;
- Plaintiff shall serve her opposition thereto, and her cross-motion pursuant to Rule 56 against all defendants, by July 3, 2017;
- Defendant Merck and the Federal Defendants shall serve their respective replies as to their above-referenced motions, and their respective oppositions to plaintiff's cross-motion, by September 1, 2017; and
- Plaintiff shall serve her reply as to her cross-motion by October 2, 2017.

Respectfully submitted,

ROBERT L. CAPERS
United States Attorney

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